

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv132**

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|---|---|--------------|
| GAIL E. BROWN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| R. JAMES NICHOLSON, Secretary, |) | |
| Department of Veterans Affairs; |) | |
| ELIZABETH BROWNING; BARBARA |) | |
| SZYMCHYK; KATHI HOLDEN; |) | |
| MELISSA BRAGG; CARL CURRY; |) | |
| and MARTY TRAXLER, |) | |
| |) | |
| Defendants. |) | |
| <hr style="width:40%; margin-left:0;"/> |) | |

THIS MATTER is before the court on the defendants' Motion to Dismiss. Plaintiff is proceeding *pro se*. In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), plaintiff, who is proceeding *pro se*, is cautioned that the United States has, on behalf of the named defendants, moved to dismiss her Complaint for lack of subject matter jurisdiction and for failure to state a claim. Such motions are governed, respectively, by Rules 12(b)(1) and 12(b)(6), of the Federal Rules of Civil Procedure, and provide for dismissal where the court lacks jurisdiction over the subject matter of the Complaint or where a claim recognized under the law has not

been stated.

Plaintiff is advised that under the Local Civil Rules of this court she has the right to file with the Clerk of this court a written response to the government's motion, and plaintiff has 14 days from entry of this Order to make such a filing. While a Complaint may be dismissed even where a litigant responds, plaintiff is advised that if she fails to respond to defendants' motion within the time allowed, her Complaint may also be summarily dismissed.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff respond to defendants' Motion to Dismiss within 14 days of the filing of this Order.

Signed: May 30, 2008

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Dennis L. Howell
United States Magistrate Judge

